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February 24, 2014

VIA ECF

Hon. Joanna Seybert
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: 7-Eleven, Inc. v. Suneil Minhas, No. 11-5455 (E.D.N.Y.)

Dear Judge Seybert:

We represent the defendant/counterclaim plaintiff Suneil Minhas ("Minhas") in the above-referenced action and submit this letter to request that the stay on the joint pretrial order and final pretrial conference be lifted. Plaintiff and defendant consent in this request.

As you know, on May 15, 2013, and again on September 18, 2013, the parties appeared before this court for a pre-motion conference on plaintiff's proposed motion for summary judgment. As the parties were engaged in settlement discussions, the court elected not to set a briefing schedule. After the September 18, 2013 pre-motion conference, an order was entered staying the joint pretrial order filing and final pretrial conference scheduled by Magistrate Judge Tomlinson, and further ordering that a briefing schedule be set in January of 2014 if the case did not settle. Since that time, the parties have engaged in mediation and settlement discussions. Unfortunately, no settlement has been reached at this time.

7-Eleven has decided not to file a motion for summary judgment. Thus, there is no need for the court to set a briefing schedule. Accordingly, the parties join in this request for the court to lift the stay on the joint pretrial order and final pretrial conference, so that this case can proceed to trial without further delay.

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Respectfully submitted,

/s/ Michael Einbinder

Michael Einbinder

Copy to:

Steve Sussman (via ECF)

Susan Metcalfe (via ECF)

As there will be no summary judgment motion and the parties have not reached a settlement, it is ORDERED that the stay is LIFTED.

SO ORDERED:

/s/ JOANNA SEYBERT

Joanna Seybert, USDJ

Dated: Feb. 25, 2014

Central Islip, NY